IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

LA.App..No. 1505 of 2007()

LAR.45/2005 of SUB COURT, QUILANDY
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APPELLANT: SUPPLEMENTAL 2ND RESPONDENT:

THE MANAGING DIRECTOR,
KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED (KSIDC), KOWDIAR P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.B.KRISHNA MANI

RESPONDENTS: CLAIMANTS & 1ST RESPONDENT:
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1. K. PADMANABHAN, S/O. RAMAN,
KIZHAKKAYIL HOUSE, VATTOLI BAZAR P.O.,BALUSSERY.

2. THE SPECIAL TAHSILDAR (LA),
KOYILANDY, REPRESENTED BY THE DISTRICT COLLECTOR,
KOZHIKODE.

BY GOVT.PLEADER SRI.K.V.MANOJ

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1505 of 2007

Dated this the 10th day of October, 2007

JUDGMENT

Kurian Joseph,J.

This is an appeal filed at the instance of the requisitioning authority against the judgment and decree in L.A.R.No.45/2005 on the file of the Sub Court, Koyilandy. The extent involved is only 1½ cents. The reference court found that in Ext.R1 document the consideration was Rs.9,200/- per cent. Ext.R1 document is executed on 25-7-2002 whereas the Section 4(1) notification is only on 1-7-2003. Despite the value as above, the Land Acquisition Officer granted only Rs.8,000/- per cent. The reference court has observed that RW1 was not in a position to see why the amount was reduced. Taking note of the materials available on record, the reference court found that the property is situated in a commercially important locality and that there are many shop rooms near to the property, whereas the basic land did not have any such attraction. In such circumstances the land value was fixed at Rs.12,000/- per cent by awarding a marginal

increase over and above the land value fixed in the basic document in view of the commercial importance of the locality. In the above circumstances we do not find any merit in the appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.1505 of 2007

JUDGMENT

10th October, 2007